

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN RE:) No. BK 09 81063
) Chapter 13
RICHARD A. MAGNI AND)
TAMMY L. MAGNI)
)
Debtors.)

AFFIDAVIT

STATE OF MINNESOTA)
) ss
COUNTY OF HENNEPIN)

TONETTE C. HILL being first duly sworn upon oath, deposes and states that I am an employee of U.S. Bank National Association ND, employed in the position of real estate officer; that I am in charge of and have control over the records of U.S. Bank National Association regarding the above-referenced Debtors and all payments which have been made by said Debtors to U.S. Bank National Association from and after the time of the filing of the Chapter 13 Bankruptcy Petition, same occurring on April 27, 2009.

That the Plaintiff's claim herein is listed as secured for reason that Richard A. Magni and Tammy L. Magni, husband and wife, executed a certain note and deed of trust to Plaintiff with regard to the real property legally described as follows:

LOT 165, SEVILLE SUBDIVISION TO THE CITY OF OMAHA,
IN DOUGLAS COUNTY, NEBRASKA.

that said Deed of Trust was recorded in the office of the Register of Deeds of Douglas County, Nebraska on April 16, 2003 in the Mortgage Records of said County. That a copy of the above-referenced Deed of Trust is attached hereto and made a part hereof as if fully set forth as Exhibit "A." That a copy of the above-referenced Promissory Note is attached hereto and hereby made a part hereof as if fully set forth as Exhibit "B."

That the Debtors have failed to comply with the terms of the Promissory Note and Deed of Trust by Debtors' failure to pay the monthly mortgage payment to Movant and payments are due from December 6, 2008 through July 6, 2010; and they have failed to pay the post-petition payments, from December 6, 2009 to present.

In addition to post petition arrearage of principal and interest, attorney's fees and filing fees, Defendant has incurred the following debts under the Deed of Trust and Promissory Note:

1) Inspection fees	\$652.00
2) Annual fee	90.00
TOTAL	\$742.00

Copies of the invoices paid by Plaintiff in inspection of the property post-petition are attached hereto as Exhibit C. Annual fee has been incurred pursuant the section entitled "OTHER CHARGES" of the Promissory Note.

The Plaintiff wishes to obtain an Order of Relief from Stay to take action in the sale of the property pursuant to the Deed of Trust, pursuant to this Court's Written Opinion dated April 20th, 2010, for failure of payment.

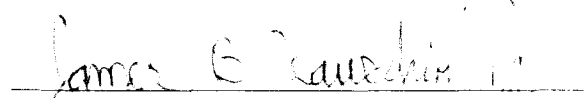
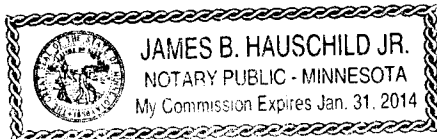
FURTHER YOUR AFFIANT SAYETH NOT.

DATED this 22nd day of July, 2010.



Tonette C. Hill, Real Estate Officer

SUBSCRIBED AND SWORN TO BEFORE ME this 22nd day of July, 2010.


Notary Public

CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of July, 2010, I electronically filed the above and foregoing Affidavit in Support of Motion for Relief from Automatic Stay with the Clerk of the Bankruptcy Court using the CM/ECF system which sent notification of such filing to CM/ECF participants, and I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants: Richard A. Magni and Tammy L. Magni, 831 N. 148th Avenue, Omaha, Nebraska 68154.

/s/ Paul J. LaPuzza

Paul J. LaPuzza